

FIRST
ANNUAL REPORT
OF THE
CONSTITUTIONAL ASSOCIATION,
OF QUEBEC,

PRESENTED 28TH NOVEMBER,
1835.
WITH AN APPENDIX,

CONTAINING
THE DECLARATION, THE STATE OF THE REPRESENTATION,
THE PETITION TO HIS MAJESTY AND BOTH HOUSES OF THE
IMPERIAL PARLIAMENT,
AND THE REPORT OF THE AGENT.

QUEBEC:
PRINTED BY ORDER OF THE ASSOCIATION.

1835.

At a General Meeting of the Association and Petitioners, held at the
ALBION HOTEL, November 28th, 1835 :

RESOLVED—That the said Report be printed, and transmitted to the Constitutional Associations in correspondence with this Association, and otherwise distributed in such manner as may seem proper to the Executive Committee.

R. H. GAIRDNER, Secretary.

REPORT.

It will be recollected that this Association originated last year, shortly after the General Election, whereat the British and Irish electors of the Upper Town, Lower Town, and County of Quebec, were, under public appeals to the national prejudices of the majority of the electors of *French origin*, accompanied by much excitement and threats of popular violence, both at the hustings and in the streets and public places, deprived of that share in the representation which they had formerly enjoyed.

The object of the Association was, to enable the members more effectually to concert and employ constitutional means for the remedy of abuses resulting from the political state of the Province, as set forth in its Declaration, and particularly "to obtain for persons of British and Irish origin, and others labouring under the same privation of common rights, a fair and reasonable proportion of the representation in the Provincial Assembly," together with such other reforms as are required,—

1st. In the system of Judicature and the administration of Justice.

2nd. In the Executive Council.

3rd. In the exercise of the Royal Prerogative of calling Members to the Legislative Council.

4th. To support the connexion of the Colony with the Parent State, and a just subordination to its authority, and to assist in preserving and maintaining peace and good order throughout

the Province, and ensuring the equal rights of all classes of His Majesty's subjects therein.—(Vide Appendix A. and B.)

The Executive Committee reported its proceedings in furtherance of these views, to General Meetings of the Association, on the 5th February, 19th March, and 31st July last, which have been published, and are now referred to. Up to the 19th March, fifteen branches of the Association had been formed and corresponded with in different parts of the Province, besides the Montreal Constitutional Association and the Mechanics' Association at Quebec.—Since that time, the only additional branch formed has been that of Metis.—A new Association in the District of Montreal communicated with the Executive Committee, but it declined interfering with that district after the formation of the Montreal Association.

Immediately after the date of the Report of the 19th March, the Committee was chiefly engaged in preparations for forwarding the Petitions to the King, the House of Lords, and the House of Commons of the United Kingdom, by the Agent appointed at the General Meeting on the 19th March.—(Vide Appendix C.)—They not only had to collect Petitions from distant parts of the country, retarded by the breaking up of the winter roads, but had to provide funds for the expenses, and also a great multiplicity of written documents and provincial publications, in support of the allegations of the Petitioners, all of which were forwarded by the Agent, on the third of April.

The Agent arrived in London on the tenth of May.—He corresponded regularly with the Secretary, advising him of his progress and proceedings; and his letters of the 15th April, 8th, 14th, 22nd, and 30th May, 14th, 19th and 29th June, and 6th and 11th July, are in possession of the Secretary, and may be referred to.—At the desire of the Committee, Mr. Neilson has, in addition, drawn up a Report of his Mission, which is hereunto annexed —(Vide Appendix D.)

During the pendency of the Petition in England, the Executive Committee did not think it advisable to take any further

steps in relation to the Petitions forwarded,—which, indeed, embraced the principal objects of the Association,—till it was finally known whether the Commissioner to enquire into the matters complained of in the Province, were or were not to come out to Canada.—They confined themselves chiefly to the acknowledgment of the Agent's letters, and transmitting the additional signatures, which had been detained by the unfavorable state of the communications at an earlier period.—These were despatched on the 9th May.

The Executive Committee could not but regret that the Petitioners for whom they have the honor to act, were not formally heard, by their Agent in England, with a view to the final settlement of the affairs of the Province, by the authority of the British Government and Parliament, which had been repeatedly appealed to for that purpose, since 1833, by those of whom the Petitioners have just reason to complain, and from whose acts they are suffering in their property and rights. They regret particularly, that, disconnected as they are with the local Authorities, and unrepresented in the Provincial Parliament, their adversaries and oppressors should have been heard and permitted to produce evidence before a Committee of the House of Commons, while the Petitioners have been prevented from substantiating the allegations of their Petition before any Authority competent to give relief and redress the wrongs which they suffer; and this, while the pecuniary means derived from their property and industry were pledged, and have been applied to support the pretensions of their adversaries in England, as well before the King and Parliament as through the public prints, while the personal sacrifices of the money and time of the Petitioners, in support of their undoubted rights as British subjects, are in some measure rendered unavailing.

The Executive Committee, however, lost no time after the return of the Agent, on the 25th September last, in taking into consideration the propriety of offering to support the Petitions confided to them before the Commissioners, who had arrived here on the 23rd August. On the 3rd October a Sub-Com-

mittee was appointed to report on this subject, and on the 9th the Secretary addressed the following letter, by order of the Committee, to the Secretary of the Royal Commission :—

“ Quebec, 9th October, 1835.

“ Sir,—I am directed by the Executive Committee of the Constitutional Association of Quebec to transmit to you the enclosed Resolutions and copy of Petition, and to request that you will be pleased to lay the same before the Commissioners for their information.

“ I have the honor to be, Sir,

Your most obedient humble servant,

(Signed) “ R. H. GAIRDNER.”

“ Thursday, 8th October, 1835.

“ *Resolved*, 1.—That the Executive Committee of the Constitutional Association of Quebec will continue to urge to His Majesty's Government, by all just and lawful means, the necessity of speedy relief from the grievances whereof complaint is made in the Petitions of divers inhabitants of Lower Canada, praying to be maintained in their rights as British subjects, presented to His Majesty and to the two Houses of the Imperial Parliament in the present Session thereof.

“ 2.—That the Committee is prepared, on behalf of the petitioners, to support the allegations contained in the said Petition before the Honorable the Commissioners whom it has graciously pleased His Majesty to name for the purpose of investigating the grievances complained of in Lower Canada, in what relates to the administration of the Government in the said Province.

“ 3. That the Secretary of the Committee be directed to transmit the present Resolutions, with a copy of the said Petition, to the Secretary of the Commissioners, with the request that he would be pleased to lay the same before the Commissioners for their information.”

On the 12th of the same month the following answer was received :—

“ Quebec, 12th October, 1835.

“ Sir,—I have received and laid before the Commissioners your letter of the 9th instant, conveying to them the readiness of a Committee of the Constitutional Association of Quebec to support before the Commission the allegations of the Petition to His Majesty and both Houses of Parliament, of which a copy accompanies your letter.

“ The Commissioners desire me to thank you for the communication, and to state that they have it in contemplation to request some one or more

members of the Constitutional Association of Quebec to give them information on certain points of the Petition, but that at the present moment they are engaged in a branch of inquiry which requires their more immediate attention.

" I have the honor to be, Sir,

Your obedient humble servant,

(Signed) " THOMAS FREDERIC ELLIOT."

On the 15th the Committee took into consideration this answer, but came to no decision upon the form and manner of conveying to His Majesty's Government, through the Commissioners, the grounds and evidence of the Petitions, leaving this important matter to future consideration and deliberation.

The proceedings of the General Meeting called by the Executive Committee on the 23rd October, as well as the Petition to His Excellency, founded on the Resolutions then adopted, together with His Excellency's answer when it was presented on the 26th of the same month, are all before the public, and need now only be referred to.

The decision of His Excellency on the matters then humbly submitted to him was announced in His Excellency's Speech to the Provincial Legislature on the next day, and has since been acted upon to the fullest extent. The Committee will only here remark, that the condition of the Petitioners for whom they act has thereby been made worse during the pendency of the inquiry on their Petitions presented to the King and Parliament.

The Treasurer will submit to the present Meeting his account of receipts and disbursements as far as it can be made up, some funds, which had been left in London by the Agent to meet any expenses which might occur, not having as yet been accounted for. A Committee of Audit will have to be appointed, conformably to the 5th Rule, Section 2nd, to report on the accounts.

The Secretary of the Association has kept a regular journal of the meetings of the Committee, and a letter book containing copies of the letters written by him, and has preserved all

original letters and papers, to all of which recourse may be had ; indeed, the labor of this gentleman has been unceasing, and his exertions meritorious to a degree which has called forth the unanimous acknowledgments of the members of the Executive Committee.

All which is humbly submitted.

ANDREW STUART,
CHAIRMAN.

Committee Rooms,
13, St. Lewis Street, Nov. 1835. }

APPENDIX.

[A.]

DECLARATION

OF THE CAUSES WHICH LED TO THE FORMATION OF THE CONSTITUTIONAL ASSOCIATION OF QUEBEC, AND OF THE OBJECTS FOR WHICH IT HAS BEEN FORMED.

THE political evils under which Lower-Canada has long laboured, have recently been increased in so alarming a degree, that the subversion of Government itself is to be apprehended, with the consequent disorders of anarchy, unless the progress of them be arrested, and an effectual remedy applied.

Under the influence of a party in the Assembly of the Province, labouring by every means which they could devise to concentrate political power in their own hands exclusively, national distinctions have been fostered and established, the administration of the local Government has been perseveringly obstructed and impeded, its authority brought into contempt, and public and private security essentially impaired and endangered; whilst the just subordination of the Colony to the Parent State has been openly questioned, and resistance to its authority, if not avowedly inculcated, certainly covertly promoted.

In prosecution of the views of the party to which those evils have mainly ascribable, that portion of the population of the Province which has been by them designated as "of British or Foreign origin," has virtually been, and now is, deprived of the privilege of being heard in the Representative Branch of the Government, in support of their interests and views. The portion of the population thus proscribed, amounts to about one

hundred and fifty thousand souls, or one fourth of the whole, and comprises nearly all the Merchants, the principal Members of the Learned Professions, a large body of skilful and wealthy Artizans and Mechanics, and a great number of respectable and industrious Agriculturalists, possesses extensive real estate, and holds by far the greatest portion of the capital employed in the pursuits of trade and industry, all which interests are liable to be burdened, and in fact have been injuriously affected, in consequence of the proceedings of the said party and of the majority of the same origin, by whom they have been supported in the Assembly of the Province.

The class of persons by whom Members of the Assembly are almost exclusively returned,—that is, the inhabitants of French origin, who form the majority, and whose character is in other respects most estimable,—has shewn itself peculiarly liable to be acted upon by ambitious and self-interested individuals, who, by exciting the latent national prejudices of the majority against their fellow-subjects of a different origin. can, as appears from late events, lead them astray by specious though perfectly unfounded representations addressed to their prejudices and passions.

By these means the party in the Assembly already alluded to, has acquired a dangerous ascendancy over this class of the population, and the result of the late elections evinces that they will use it for the purpose of securing the return of such persons only as will act in subservency to them. Upon that occasion, it is notorious, that no other qualification was asked or required from candidates, than an implicit acquiescence in the views and wishes of the party as expressed in the Resolutions of the Assembly to be presently adverted to.

While the Representation of the Province continues on such a footing, with the concentration of power incident to it, experience has shewn that there can be no hope of a fair and impartial administration of the powers of Government, and there is too much reason to apprehend that in a body so constituted, the public and general interests of the Province, Commercial and Agricultural, will continue to be overlooked and neglected, or subjected to injurious regulations, its improvement obstructed and retarded, and the whole internal Government of the Province deprived of the Legislative superintendence and provisions which are necessary for its efficiency, and the promotion of the general welfare.

The political evils arising from the constitution and composition of the Assembly have been greatly increased and aggravated by the Act of the Imperial Parliament placing at the disposal of the Assembly, absolutely and unconditionally as is understood by that body, the important Revenue by means of which the Civil Expenditure of the Province was previously defrayed. By this increase to the power derived from great numerical superiority in the Assembly, have been superadded the irresistible weight and influence necessarily conjoined with the exclusive power of appropriating the Revenues absolutely and indispensably requisite for defraying the Civil Expenditure of the Province, by means of which the Executive Government has been rendered entirely dependent on the will and pleasure of the leaders in the Assembly for its very existence, and public authority, both administrative and judicial, from the Governor in Chief and the Chief Justice of the Province to the most humble individual in the scale of office, has been subjected to their interested, partial, vindictive, or capricious control.

If any doubt could heretofore have been entertained as to the design and tendency of the proceedings of these men, that doubt must have been removed by the Resolutions passed in the Assembly on the 21st day of February, 1834, containing divers false and scandalous imputations, of so general a nature as not to admit of answer or investigation, against the character and conduct of His Majesty's Government in this Province,—against the whole body of its Officers, Civil and Military,—against the Judiciary and the second Branch of the Provincial Legislature,—against a large portion of the Inhabitants of the Colony engaged solely in the duties and pursuits of private life, and against the British Government generally as respects this Province since the Cession of Canada to His Majesty by the Crown of France.

These Resolutions passed by a majority of 56, of whom 51 were Members of French origin, against 24, of whom 17 were not of that origin: They formally class and enumerate His Majesty's subjects in this Province as persons of "French origin" and of "British or Foreign origin," the former of whom are erroneously stated as consisting of 525,000 and the latter of 75,000 souls.

The Address to His Majesty and to the two Houses of Parliament, wherein these Resolutions are embodied, and which have been transmitted to England, claims a revision and modification, by the majority of the people of this Province, of the

Constitutional Act; an extension of the elective system contrary to the prerogative of the Crown and the British Constitution, for the purpose of vesting the appointment to offices of honor and profit in the said majority of the people; the election of the second Branch of the Legislature, now appointed by the Crown for life, in virtue of the aforesaid Act; threatening at the same time the British Government and Parliament with the example of the late Colonies now the United States of America, and ins: ting upon being supported in the demands contained in the said Resolutions, that the people of this Province " may not be " forced by oppression to regret their dependence on the British " Empire, and to seek elsewhere a remedy for their afflictions."

In furtherance of the views of the framers of the said Resolutions and Address, the said Resolutions were, shortly after the close of the last Session of the Provincial Parliament, printed and distributed in great numbers throughout the Province at the public expense; and certain Committee were therein invited to be formed, to aid in giving effect to the same, under a pledge of the honor of the Representatives of the People, to reimburse the expenses of the said Committees to them, or to such persons as might advance money to them.

The party already referred to, composed of certain Members of the House of Assembly, of French origin, has for several years past, as already stated, and as is well known, taken advantage of every opportunity,—both by speeches delivered in the House of Assembly and elsewhere, and through means of newspapers under their controul, to excite the ancient national prejudices of the inhabitants who are of French origin, against their fellow-subjects who are not of that origin; and particularly by the aforesaid Resolutions, printed and distributed as aforesaid, and by Meetings and Committees in support thereof, they have in fact so operated upon the prejudices of persons of their origin, as to excite a great number of them to frequent public expressions of hatred, and threatened violence to those not of the same national origin.

In consequence of these machinations and others connected with and resulting from them, it has come to pass, as might have been looked for under such circumstances, that at the late General Election, (as the Poll Books kept of record according to Law will shew,) majorities consisting of persons of French origin have chosen nearly the whole of the Members who are to compose the House of Assembly for the ensuing four years, of persons of that origin who have publicly approved of the said Resolutions, or pledged themselves to their support.

As subordinate to the grievances now stated, but contributing materially to the political evils of the Province, other Departments of the Government may be mentioned as to which measures of reform are urgently called for. The system of Judicature as now established, it is universally known, is altogether insufficient and unsuited to the present state and condition of the Province. From the great extension of the Settlements, and the increase of population in different Districts, the Courts of original Jurisdiction have become inaccessible to the Inhabitants at a distance from them, otherwise than at a ruinous expense, involving in many cases a denial or failure of Justice; while the Court of Appeals from its peculiar constitution is unfit for the exercise of the powers with which it is entrusted. That a system of such vital importance to the public welfare, and yet so injuriously defective and inadequate, should have continued without alteration or improvement, is among the striking evidences of the imperfect exercise of powers entrusted to the Provincial Legislature.

In every well regulated Government, it is essential that the Executive authority should be aided by the advice of able and well informed individuals, acting together and in a body, by which sound discretion, uniformity, consistency and system are imparted to its measures. Among Colonial Governments, which are generally administered by persons labouring under the disadvantage of a deficiency of local information, assistance of this nature is indispensable for the attainment of the ends of good Government. This body of advisers ought to be found in the Executive Council of the Province; but its Members are too few in number, and its composition too defective to answer the purposes of its institution.

Whilst the greatest importance ought to be attached to the selection of fit persons for Seats in the Legislative Council, it is indispensably necessary for the stability of the Government as now constituted, and for the security of His Majesty's Subjects within the Province, that the power of appointing Members to that Branch of the Legislature should continue to reside exclusively in the Crown, but subject to such regulations as may be deemed proper for ensuring the appointment of fully qualified persons.

Under the foregoing view of the political state of the Province, the object of the Constitutional Association of Quebec will be,

By Constitutional means—

1st. To obtain for persons of British and Irish origin, and others His Majesty's subjects labouring under the same priva-

tion of common rights, a fair and reasonable proportion of the Representation in the Provincial Assembly.

2nd. To obtain such reform in the system of Judicature and the Administration of Justice as may adapt them to the present state of the Province.

3rd. To obtain such a composition of the Executive Council as may impart to it the efficiency and weight which it ought to possess.

4th. To resist any appointment of Members of the Legislative Council otherwise than by the Crown, but subject to such regulations as may ensure the appointment of fit persons.

5th. To use every effort to maintain the connection of this Colony with the Parent State, and a just subordination to its authority.

6th. To assist in preserving and maintaining peace and good order throughout the Province, and ensuring the equal rights of His Majesty's subjects of all classes.

Now we, whose names are undersigned, taking the premises into our serious consideration, do hereby form ourselves into a Constitutional Association for the purposes stated in the foregoing Declaration, and for mutual support in the discharge of the duties of our allegiance to His Majesty, as lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of this Province, dependant on and belonging to the said Kingdom.

Declaring that we wish for no preferences or advantages over our fellow subjects of whatever national origin, nor for any infringement of the rights, laws, institutions, privileges and immunities, civil or religious, in which those of French origin may be peculiarly interested, and to which they are entitled, or which they enjoy under the British Government, and the established Constitution; desiring merely for ourselves the enjoyment of equal rights with our fellow subjects, and that permanent peace, security and freedom for our persons, opinions, property and industry which are the common rights of British Subjects.

And in furtherance of the purposes aforesaid, to the utmost of our power, we hereby pledge ourselves to each other, and to our fellow subjects throughout the Empire.

QUEBEC, DECEMBER, 1834.

LIST of Counties, Towns and Boroughs sending Members to the House of Assembly under the Representation Act, sanctioned by the King in Council, 17th August 1829, with the numbers sent by each, shewing the probable Population of "French origin" and "British or Foreign origin" in each, founded on the Returns of Religious Denominations in the Census of 1831: the number of Members elected in 1830 and 1834, who acted with the Leaders of the majority in the Assembly of French origin, or who are pledged to act with that majority, and also the number of Independent Members.

* * * Qualifications of Electors, by the Constitutional Act, 3 Geo. III. c. 51.—40s. Freeholders in the Country; in the Towns, real property £5 yearly value, and Householders paying £10 yearly rent.

By Representation Act: Counties having 1000 population, and under 4000, send one Member; 4000, and upwards, two.

NAMES OF COUNTIES.	No. of Mem- bers sent.	POPULATION.		MEMBERS ELECTED.						
		Of French origin.	Not of French origin.	14th Parl. 1830			15th Parl. 1834.			Independent & not pledged.
				Of French origin.	Not of French origin.	Independent.	French origin and pledged.	Not of French origin.		
Bonaventure	2	4154	4154	1	1	1				
Gaspé	2	2501	2501		2	2		2	2	
Rimouski	2	6561	1500	2			2			
Kamouraska	2	14057	500			1	2			
L'Islet	2	13418	100	2			2			
Bellechasse	2	13029	300	2			2			
Dorchester	2	10946	1000	1	1	1	2			
Beauce	2	11400	1500	2			2			
Mégantic	1	...	2287		1	1		1	1	
Lotbinière	2	8343	848	2			2			
Nicolet....	2	12004	500	2						
Drummond	1	566	3000		1	0		1	0	
Sherbrooke	2	104	7000		2	2		2	2	
Stanstead	2	...	10306		2	2		2	0	
Yamaska	2	9000	496	2		1	2	2	0	
St. Hyacinthe	2	14538	828	2			2			
Richelieu	2	15319	630	2			2			
Rouville	2	11597	6518		2	1	2			
Shefford	2	...	5087		2	2		2	2	
Mississkoui	2	...	8801		2	2		2	2	
Verchères	2	12319	...	2			2			
Chambly	2	15863	1620	2		1	2			
Laprairie	2	16577	1920	2		1	2			
L'Acadie	2	6659	4760	1	1	2	1	1	0	
Beauharnois	2	8857	8000	1	1	0	1	1	0	
Montreal, (County and City) ...	2	24533	19240	2		1	2			
Vaudreuil	2	10747	2369	2			2			
Ottawa	2	666	4120		2	2		2	2	
Two Mountains	2	11791	9114	1	1	0	1	1	0	
Terrebonne	2	14211	2414	2			2			
Lachenaye	2	8489	972	2			2			
L'Assomption	2	10947	1820	2			2			
Berthier	2	19367	858	2			2			
St. Maurice	2	15763	1146	2			2			
Champlain	2	6357	274	2			2			
Portneuf	2	11454	896	2			2			
Quebec... ..	2	19791	16482	1	1	1	2			
Orleans... ..	2	4349	...	2			2			
Montmorenci	1	3000	517	1			1			
Saguenay	2	8385	...	2			2			
40 Counties, 37 @ 2 = 74, 3 }										
@ 1 = 3. — [Carried over,]	77	374932	134432	57	20	24	57	18	11	

Brought over.....	77	374932	154432	57	20	24	57	18	11
CITIES, TOWNS AND BOROUGH.									
Quebec Upper Town.....	2			1	1	2	2		
Do. Lower Town.....	2			1	1	1	2		
Montreal, East Ward.....	2			1	1	1	1	1	0
Do. West Ward.....	2			1	1	0	1	1	0
Three-Rivers.....	2			1	1	1	1	1	0
William-Henry.....	1							1	0
4 Towns &c.—5 @ 2 = 10 and } 1 = 11	88			62	26	50	64	22	11

The Counties in *italics* have a majority of Electors not of French origin, being eight in all, sending fourteen Members.—(One of them is pledged to the French leaders, and two, making three in all, are supposed to be favorable to their views. Where the two classes of the population are nearly equal, those of "French origin" have the majority, by reason of those of "British origin" being many of them but new settlers.

The Statement of the Population of the different Counties is founded on the Census of 1831. The Population not of French origin is taken from the Return of Protestants; there being none of that denomination of French origin in Lower Canada.—To the Protestant population returned in the French Counties, is added in those of them where there are British or Irish settlements an equal number for Irish Catholics, which by actual enumerations made, are known to surpass in number the Protestants of the new Settlements, in these Counties. There is an omission of 33,748 in the religious denominations of the Census, which probably consists of persons not of French origin; as the Census in the French Counties, was generally made by French Canadians, who knew that their countrymen are all Catholics, and would return them as such. If all Roman Catholics, returned, were of French origin, the population in 1830, would stand

Of French origin.....403,472
Not of French origin.....108,445

But it is certain that a great many of the Irish Catholics have been included in the Returns of the Catholic Population, and ought to be deducted and added to the Population not of French origin.

Where no Returns of the Religious denominations are made in the Census of 1831, such as Rimouski, &c. the Population not of French origin, is taken from the testimony of persons acquainted with those Counties, and the British and Irish Settlements in them.

It will be observed that the Statement of the Population in the foregoing Table refers to 1831.—The increase since, of persons not of French origin, has been much more rapid than that of French origin, in consequence of Emigration.

The present Population may be taken at, in round numbers:

Of French origin.....	400,000
Not of French origin.....	150,000

This ought to give the latter twenty-four Members *of their own choice*, even taking Population for the sole basis of Representation.—They have only fourteen, eight nominally not of French origin not being of their choice, but chosen by a majority of Electors of French origin, and pledged to the leaders of that party.

N. B.—The words “French origin” and “British or Foreign origin,” have been used, as being those of the 75th Resolution of the French majority in the Assembly, of the 21st February 1834.

QUEBEC, DECEMBER, 1834.

[C.]

TO THE KING'S MOST EXCELLENT MAJESTY.

THE PETITION OF THE UNDERSIGNED INHABITANTS OF
LOWER-CANADA,

Humbly sheweth,

THAT Your Petitioners, deeply sensible of their obligations as Subjects of Your Majesty, and of the many and important advantages which they enjoy in common with their fellow-subjects in this Province, are devoted to the maintenance of its connexion with Great Britain and Ireland, and the Empire of which it is their pride and happiness to form a part.

That among the advantages to be derived from this connexion, there is none which they more highly prize, than that settled Government, Constitutional freedom and security of person and property, which the experience of ages has proved pre-eminently to distinguish the British Constitution of Government, firmly supported as it has been, by the intelligence and wisdom of a public spirited and patriotic People.

That the gratitude of Your Petitioners is justly due to the British Parliament for the Act passed in the thirty-first year of the Reign of His late Majesty George the Third, for making further provision for the Government of this Province.

That it was manifestly intended by the said Act, to secure to all Your Majesty's Subjects therein, the benefits of the British Constitution of Government, in so far as the circumstances of the Colony would permit, and as was consistent with its dependence on the Parent State, and a just subordination to its authority.

That it is with the deepest regret Your Petitioners have perceived, by the experience of the forty-two years during which the said Act has been in force, that various causes have

come into operation, which have materially diminished, and now threaten to destroy, the benefits intended.

When Canada was ceded to the British Crown by the Treaty of Paris in 1763, it contained a population of about sixty thousand souls who had been Subjects of His Most Christian Majesty.

In virtue of the Capitulation of Canada in one thousand seven hundred and sixty, this population became British Subjects, and were maintained in their property, and by the Act of the British Parliament of the fourteenth George the Third, chapter eighty-three, the laws, usages and customs of Canada were continued to them; and, in other respects they have become entitled to the enjoyment of all rights, liberties and franchises which belong to or have been granted to the Inhabitants of this Province.

That the said Inhabitants, formerly Subjects of His Most Christian Majesty, and their descendants, under the protection of the said laws and privileges, have since increased to the number of four hundred thousand souls, and retained every characteristic of a distinct people; while those of Your Majesty's subjects who have come into and settled in this Province from other parts of Your Majesty's dominions, as well as their descendants, now amounting to about one hundred and fifty thousand souls, having retained a character equally distinct.

In such circumstances, Your Petitioners humbly conceive, that under whatever form of Government the Colony might have been placed, the utmost discretion, liberality and mutual forbearance, were necessary to prevent the ordinary competitions of life from disturbing the harmony of society, endangering the public peace, and injuriously affecting the general welfare.

Your Petitioners cheerfully bear testimony to the excellent character of the great body of their fellow-subjects of French origin; to their tried fidelity to the British Government, and their just claims to Your Majesty's gracious favour and protection: But when to the unavoidable sources of collision aforementioned, were added those inseparable from the contentions of popular Assemblies, and the ambition of their leading members, depending for their political existence, personal importance, and the effecting of their views, on the suffrages of the majority of the people, the danger of excitements and collisions between the two populations beforementioned became imminent.

It had besides unfortunately happened that the French Colonists of Canada had no share or influence in its Legislation and Government while it belonged to France. Their descendants

were not therefore trained by experience, education and habits for a Government of a more popular form. They were without a sufficient number of men of enlarged and liberal views embracing all interests in the Colony and its relations with the Parent State, to discharge the high and important functions of Legislators; and the events of war had left among the people feelings and prejudices, apprehensions and jealousies, not easily to be eradicated under the Government of a people with whom they had so frequently been involved in hostilities.

In consequence of these circumstances, and the liberal provisions of the aforementioned Acts of the British Parliament, the Constitution of the Representative Branch of the Government of the Province entirely depended upon the majority of the population of French origin, and the whole powers of that Branch inevitably fell into their hands, or rather into the hands of the leading men amongst them, who, in many instances, participated in the popular prejudices, jealousies and suspicions against the population not of their origin.

The evils arising from this state of things, have been greatly increased and aggravated by the Act of the Imperial Parliament placing at the disposal of the Assembly, absolutely and unconditionally, as it is understood by that body, the important Revenue by means of which the Civil Expenditure of the Province was previously defrayed. By this increase to the power derived from great numerical superiority in the Assembly, have been superadded the irresistible weight and influence necessarily conjoined with the exclusive power of appropriating the Revenues indispensably requisite for defraying the Civil Expenditure of the Province, by means of which the Executive Government has been rendered entirely dependent on the will and pleasure of the leaders in the Assembly for its very existence, and public authority, both administrative and judicial, from the Governor-in-Chief and the Chief Justice of the Province to the most humble individual in the scale of office, has been subjected to their interested, partial, vindictive, or capricious control.

Your Petitioners have seen with sincere regret and alarm, that the powers of the Assembly have been exercised by the leaders in that body, with a spirit of decided hostility to Your Majesty's Government, of disregard for the peace and welfare of the Province, and with ill disguised projects of exclusion and proscription against Your Majesty's Subjects not of their national origin, and even against those of their own origin, who were not disposed to support them in their unjust and pernicious views.

Your Petitioners humbly represent, that at the late General Election this spirit of exclusion and proscription has been carried to the extent, that although the population not of French origin, amounts to more than one fourth of the population, it has not been able to return more than fourteen Members of the choice of the Electors, or representing their views and interests, out of a House composed of eighty-eight Members, and that the whole of the population not of French origin in the Cities and Counties of Quebec and Montreal, although they nearly equal the French population in number, have not been able to return one Member of their choice, out of twelve.

This result, which in fact leaves a population having great and permanent interests in the Province, and contributing a very large proportion of the Public Revenue, without even the power of being heard in the Legislature of the Country by any person of their choice or responsible to them, has been facilitated by an unjust and faulty distribution of the elective franchise; by including the new and growing Settlements of persons not of French origin in Counties where that origin predominates, and where their votes are lost; and by the incessant and systematic efforts of the leading characters in the House of Assembly of French origin, to depress and vilify the population not of their origin, with a manifest tendency to subject their persons and property, and the whole country, to the arbitrary rule and control of these characters, through the instrumentality of a majority acting and held together under the impulses of national prejudices and feelings.

It is with the deepest regret and and alarm that Your Petitioners have witnessed the progress of the various attempts made in the House of Assembly, tending to the aforementioned purposes, as recorded in the Journals of that House: They have refused or neglected to co-operate in the gracious and beneficent intentions of Your Majesty's Government, for the redress of grievances, the remedy of abuses, and for the advancement of the public prosperity; they have vilified and endeavoured to destroy another and co-ordinate Branch of the Legislature, established under and in virtue of the authority of the aforementioned Act of the British Parliament; promoted and countenanced tumultuous and riotous assemblies and proceedings; endeavoured to bring the Administration of Justice into contempt; diverted the privileges of the Assembly entrusted to them for the protection of popular rights, to the destruction of these rights; they have, avowedly, in their Legislative capacity, acted upon distinctions of national origin among Your Majesty's Subjects; have sanctioned these dis-

tinctions by their Resolutions of the twenty-first of February, one thousand eight hundred and thirty-four; invited the formation of Committees and Conventions; authorized them to contract loans on the eve of a General Election; pledged the honor of the Representatives of the People to pay the expenditures of these Committees and Conventions out of the Public Monies; and publicly threatened to apply elsewhere, than to the constituted authorities in the Province, and to the supreme authority of the British Parliament, for a remedy of alledged grievances.

Your Petitioners further represent that these proceedings have already entailed heavy losses on Your Petitioners and the Country, by the diminution of confidence in the security of property and its consequent depreciation in value; by the interruption of useful undertakings; the suspension of public improvements; the decrease of employment; the continuance of various abuses, and the spreading of hatred and ill will, threatening long and fatal dissensions, dangerous to the peace, freedom and prosperity of the Province, and prejudicial to the interests and character of the British Nation and Government.

Suffering under and exposed to so many evils, Your Petitioners cannot even look for consolation and protection to an independent and well organized administration of justice, which is so essential to the well-being of every society. The Judges are held in a state of dependence on the House of Assembly for their subsistence, notwithstanding Your Majesty's gracious concession that their Commissions should be held during good behaviour, on their Salaries being permanently provided for. The system of Judicature established by Act of the Provincial Legislature in one thousand seven hundred and ninety four, is still maintained, although it has become manifestly unsuited to the present state and condition of the Province. From the extension of the Settlements and the increase of the population, the Courts of original Jurisdiction have become inaccessible to the inhabitants at a distance from them, otherwise than at a ruinous expense, involving in many cases, a denial or failure of justice; while the Court of Appeals, from its peculiar constitution, is unfit for the exercise of the powers with which it is entrusted.

Your Petitioners observe with regret, in the present state of the Province, that the Executive Council, both as respects the number of its members and its composition, is too defective to answer the purposes of its institution. In every well regulated Government, Your Petitioners most humbly conceive, that the Executive Authority should be aided by the advice of able and well-informed individuals acting together in a body, by which

sound discretion, uniformity, consistency and system are imparted to its measures; and that among Colonial Governments, which are generally administered by persons labouring under the disadvantage of a deficiency of local information, assistance of this nature is indispensable to the ends of good Government.

Whilst the greatest importance ought to be attached to the selection of fit persons for Seats in the Legislative Council, it is indispensably necessary for the stability of the Government and the security of His Majesty's Subjects within the Province, that the power of appointing Members to that Branch of the Legislature, should continue to reside, exclusively, in the Crown, but subject to such regulations as may be deemed proper, for ensuring the appointment of fully qualified persons.

Your Petitioners, confiding in Your Majesty's wisdom and paternal regard for all Your Majesty's Subjects,

Humbly pray :

That Your Majesty would be graciously pleased to take the premises into consideration, that justice be done therein; and, particularly, that they be secured in their just right of a fair and equitable Representation in the Provincial Assembly, and otherwise protected in their rights as British Subjects, and in the full enjoyment of Constitutional Government.

And Your Petitioners, as in duty bound, will ever pray.

Province of Lower-Canada, }
1835. }

[D.]

TO THE EXECUTIVE COMMITTEE OF THE QUEBEC
CONSTITUTIONAL ASSOCIATION.

The undersigned, appointed at a public meeting of the members of the Constitutional Association of Quebec, on the 19th March last, Agent for the Petitioners to the King and the two Houses of Parliament of the United Kingdom, praying for a redress of grievances, and to be secured and protected in their just rights as British Subjects; and who was also charged with divers other Petitions, from different parts of the Province, entrusted to the said Association, submits the following

REPORT:

That he proceeded from Quebec on the 3rd April last, by the Kennebec Road, in the intention of meeting at New-York WILLIAM WALKER, Esquire, appointed Agent to the Petitioners in the District of Montreal, to sail for Liverpool in the packet-ship of the 16th April.

He was much delayed by the state of the roads at that season, by the circumstance of his being obliged to hire extra carriages for three heavy cases of papers, books, and documents, furnished by the Committee:—He, however, arrived at New-York in time for the sailing of the packet, and having learned by the newspapers that a Commissioner was appointed in England to proceed to Canada, he held a consultation with Mr. WALKER, the result of which was that they had no discretion to exercise on such information, but that they ought to proceed to England, according to their instructions, and present the Petitions with which they were entrusted.

The Agents on their arrival at Liverpool on the 8th May, lost no time in clearing their luggage at the Custom-House, and proceeding to London; but they found it expedient to leave the three cases containing the Quebec Petitions, books, and printed papers, to be forwarded under the Custom House seal to London, in the hope of obtaining them without the heavy duty payable on books and printed papers.

The Agents arrived in London on the 10th, and the next day, after communicating with the Chairman of the North American Colonial Association, (with any Agent which the Association might appoint they were instructed to co-operate,) they addressed a letter to Lord GLENELG, the recently appointed Secretary of State for the Colonial Department, requesting to be informed when it would be convenient for his Lordship to receive them with the Petitions with which they were entrusted. He fixed the next day, at half-past one o'clock, when the Agents attended, with the Montreal and Ottawa Petitions, that of Quebec being still at the Custom House.—They explained the difference between the Montreal and Quebec Petitions, and mentioned, briefly, the state of affairs in the Province referred to in the Petitions. They offered to substantiate, by authentic documents, all the allegations of the Petitioners. His Lordship informed them that after considering the Petitions he would be able to speak more fully on the subject.

On the 13th May the Agents attended a meeting of the Committee of the North American Colonial Association, when ALEXANDER GILLESPIE, Junior, Esquire, their Chairman, was appointed to act with the Agents, as representing the interests of the persons in London engaged in the trade of the Colonies.

The Quebec Petitions and documents were received from the Custom House on the 15th May, on paying the duties, which course was deemed best, to avoid further delays;—on the 18th, Mr. GILLESPIE, Mr. WALKER, and Mr. NEILSON waited on Lord GLENELG, by appointment, to present it. On the 21st they waited on his Lordship, by his desire, and again on the 22nd. Sir GEORGE GREY and Mr. STEPHENS, Under-Secretaries of State, were present at these interviews, and the Agents entered generally into the contents of the Petitions. They urged strongly on his Lordship, that the party of which the Petitioners complained, had for several years past appealed to the Imperial Parliament for the settlement of the affairs of the Province,—that they had been heard, and produced evidence before a Committee of the House of Commons;—that those whose Petitions were before his Lordship, had not been heard, or any one on their part;—that they formed a large portion of the industrious inhabitants of the Colony, only desirous of being protected and secured in their just rights as British Subjects, under the Constitution as by law established, in the Colony, with quiet and good Government, and the advancement of the public prosperity; that they were now prepared to substantiate all the allegations of the Petitioners, and submit to the final decision of the British Government and Parliament. That if further delay was deemed necessary, they demanded as their right, in the mean time, an efficient Colonial Government under the King, and an independent administration of justice. Lord GLENELG intimated that he would see them again with some of his colleagues.

On the 1st June the Agents met Lord GLENELG, by appointment, at Lord Melbourne's office. There were present Lord MELBOURNE, (Prime Minister,) Lord GLENELG, and Mr. SPRING RICE, (Chancellor of the Exchequer.) The Agents again entered, generally, into the contents of the Petitions, as at the interviews at the Colonial Office. Lord MELBOURNE informed them that their decision would be made known by the Colonial Secretary.

On the 12th June it was announced by Lord GLENELG in the House of Lords, in answer to a question by the Earl of ABERDEEN, that Government had decided to follow up the measure of their predecessors in office, by sending out a Commission, to enquire into complaints from the Colony. Similar information was communicated to the Agents on the 13th by Lord GLENELG, at an interview at the Colonial Office, and it was added, that such being the case, it was not deemed necessary to enter into a formal enquiry in London, but that the complaints of the Petitioners would be enquired into on the spot. The Agents again insisted upon an efficient Government and an independent administration of justice in the Colony in the mean time.—They also intimated that they might have occasion for a further interview, which his Lordship fixed for the Tuesday following, the 16th, at two o'clock.

One of the objects for which Messrs. WALKER and NEILSON had requested this interview, was to ascertain, after consulting with some friends, whether Government would countenance any proceedings in Parliament on Canada affairs before the Commission had reported. When they attended, according to appointment, they put the question to His Lordship, and his answer was, that Government would not. Mr. NEILSON then mentioned to Lord GLENELG several matters not coming directly within the prayer of the Petitions, but on which the prerogative and influence of the Crown might be exercised for the welfare and security of the North American Colonies, parti-

cularly. 1st—The removing of all obstacles and facilitating the settlement of the Waste Lands. 2nd—Bringing the boundary question to a speedy conclusion. 3rd—Extending the facilities to the trade of the Colonies with each other and with the adjoining States. 4th—Guarding against the danger of the introduction of a depreciated Currency, which had become imminent from the late regulations and measures in the United States. 5th—Extending protection to the remains of the Indian Tribes within His Majesty's North American Dominions. 6th—Quieting all apprehensions of interference with the institutions of Lower Canada as secured by the Act of 1774.

In the whole of the intercourse of the Agents with the Colonial Secretary, they found him, as well as the Assistant Secretaries, disposed to do justice to the Colonists without distinction of party or class, and it appeared to them that the first Lord of the Treasury and the Chancellor of the Exchequer entertained similar feelings.

The Agent cannot express this part of his report more exactly than in his letter to the Secretary of the Committee, dated, London, 19th June, 1853:—
 "At this interview Lord GLENELG met us alone, and as has been the case throughout, he listened with great apparent attention to what we had to say; but has maintained the utmost reserve as to the opinions of Government on the differences in the Colony, and we have not thought it proper on our part, to put any question having a tendency to affect that character of impartiality which it is, no doubt, the wish as well as the duty of the Government to maintain, pending the enquiry."

The Agents acquainted Lord GLENELG at this interview, that till the course of Government was known, they had deferred presenting their letters of introduction to several Members of Parliament, but that now they would deliver these letters, and take steps to have their Petitions presented to both Houses, without, however, wishing in any degree, to thwart the measures of the Government.

In accordance with the opinion given to Mr. GILLESPIE by his constituents, the Agents addressed a note to Sir ROBERT PEEL, (late Premier,) and Lord ABERDEEN, (late Colonial Secretary,) with copies of the Petitions confided to them, requesting an interview. It was fixed at Sir Robert's house, for the 23rd June, at eleven o'clock, when all the Agents attended. Sir ROBERT and Lord ABERDEEN expressed a warm interest and the most liberal views, with regard to Canada and the Colonies generally. They approved of presenting the Petitions, without any view of opposing the Government.—After this interview, the Agents severally applied to Lord RIPON to present the Quebec Petitions to the Lords, and to Mr. E. DENNISON, Member for Nottinghamshire, who was of the Canada Committee of 1828, and formerly travelled in Canada, to present the same to the Commons. The Duke of RICHMOND and Lord SANDON, Member for Liverpool, and also of the Canada Committee of 1828, were applied to for the Montreal Petitions, and all the Petitions were presented accordingly. These gentlemen were separately supplied with memoranda, stating the number of signatures and the precautions which had been taken, by circulating printed notices, not to admit of any signers under the militia age. The whole number of Petitioners, (with those subsequently received,) expressing nearly the same sentiments, including Ottawa and Beauharnois, (presented before,) amounted to about twenty thousand, in the Cities and Counties of Quebec and Montreal, the Town of Three Rivers, the Borough of William Henry, and in Settlements in almost every County of the Province, excepting in the District of Gaspé.

The Agent for Quebec was called before the Committee of the House of Commons, sitting on the Timber Trade, by a notice from the Board of Trade. No contemplated alteration of the Timber Duties was positively known at Quebec, when he was despatched on the 3rd April. Several notices of motions by Mr. ROEBUCK, Member for Bath, were on the Books of the House of Commons, when he arrived in England, for equalizing the Duties on Canada and Baltic Timber, but they were dropped, and finally a Committee was appointed on motion of Mr. C. POULETT THOMSON, President of the Board of Trade. Mr. NELSON appeared before the Committee on the 30th June and 1st July, and he had no hesitation in giving in to the Committee, documents relating to the capital and property depending on the Trade in Lower Canada, with which he had been furnished, in support of the Petitions of which he was the bearer, besides giving such other information regarding the extent and character of the Trade, as was within his knowledge.

On the 10th July, he addressed a letter to Lord GLENELG, Secretary to the Colonial Department, and to several Members of Parliament whom he had seen, and were known to take much interest in the welfare of the Colonies. From the before-mentioned letter, the following is an extract:—

“ I beg leave, at present, more particularly to call your attention to the Timber question, now before a Committee of the House of Commons.

“ It was not expected when I left Quebec in the beginning of April last, that this question would be agitated this Session. We thought the last alteration of the duties, after the general peace in Europe, was final, and particularly after the rejection of a proposed alteration four years ago.

“ People in Canada had good reason to calculate on the present scale of duties. An immediate alteration would be little better than taking money out of one man's pocket to give it to another.

“ The announcement of a prospective alteration would discourage those who wish to maintain the connexion with this country, and encourage those who are turning their attention elsewhere.

“ I have reason to think that the value of the timber exported from Canada, in 1833, formed more than *one-half* the value of all the exports from both Provinces, and in 1834 more than *two-thirds* of the whole. It is by means of these exports that the inhabitants supply themselves with what they cannot get on their farms, there being no manufactories in the country, and the climate of Lower Canada, general. . . lowing of no surplus of corn and provisions.

“ In truth, the inhabitants of Lower Canada, nine-tenths of whom are agriculturalists, have always depended for a supply of every thing but food and some coarse clothing of family manufacture, on exports produced by some other employments. In early times it was hunting and fishing; latterly, getting out, preparing and shipping timber and lumber.

“ This country has suffered the United States' people to occupy the fisheries, and an Act of Parliament passed some years ago, turned the fur trade to Hudson's Bay.

“ An alteration of the duties now, would leave the inhabitants of the British North American Colonies in a worse situation than those of the United States. It is a fact, that lumber brings a higher price in the American seaports than at Quebec, and that the wages of labour are higher in the adjoining States than in the Canadas. This is a state of things which British subjects in the Colonies ought not to see increased.

"It is hardly necessary for me to point out to you the importance of the North American Provinces to this country. As a commercial position, they afford an inlet to British manufactures and trade to the United States, independent of that power; as a naval station, they command the trade to Europe of nearly all America, for the trade winds and the gulf stream will always force this trade to pass near Nova-Scotia and the Banks of Newfoundland. The possession of the Colonies by the United States would give them harbours, coal and timber, in which they are deficient, and enable them to command the trade of nearly all America to Europe, and engross the Newfoundland fisheries. England would become dependent on foreign powers for timber, and lose an important nursery for seamen, without which she would be reduced to the rank of a secondary power, after having been so long the dread and envy of them all.

"I should flatter myself that the interests of the Colonies and the power of England will not be sacrificed to a spirit of innovation, or of theories which ought rather to be tested by experience at home, under the eye of the legislators, than in the Colonies, who are not represented in Parliament, and whose sufferings cannot directly reach those who make the experiment.

"An alteration in the timber duties, which would diminish the competition with foreigners and the quantity in the market, could hardly benefit the consumer in this country, as it would assuredly raise the price of the article."

The Agent cannot close his Report without acknowledging the ready attention of all public men in England to whom he had occasion to apply on the business of his mission, the zealous and able co-operation of ALEXANDER GILLESPIE, Junior, Esquire, Chairman of the North American Colonial Association, appointed to act with the Agents from Canada, and the ready and friendly assistance of every person connected with the Colonies with whom he had any intercourse, in London and the other great marts of trade in the three kingdoms. He has also to acknowledge the valuable and cordial co-operation of WILLIAM WALKER, Esquire, Agent for the Montreal Association.

The Agent has delivered to the Treasurer of the Association, ALEXANDER SIMPSON, Esquire, a statement of his disbursements during his mission. Their actual amount, for all expenses, is £329 17s. 7d. sterling, out of the £624 sterling, which was put at his disposal. He drew or received £384 sterling, £36 14s. 5d. of which was left in London, to be accounted for; and he has repaid to the Treasurer £17 8s. the balance of cash in hand.

All which is humbly submitted.

J. NEILSON.

CAROUGE, 25TH NOVEMBER, 1835.

